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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
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11 IN RE: JUUL LABS, INC.,
12 MARKETING, SALES PRACTICES,
13 AND PRODUCTS LIABILITY
14 LITIGATION

Case No. 19-md-02913-WHO

**PLAINTIFFS' STEERING COMMITTEE'S
APPLICATION FOR REAPPOINTMENT**

15 This Document Relates to:
16 ALL ACTIONS
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Pursuant to the Court’s December 20, 2019 Order appointing the members of the Plaintiffs’ Steering Committee (“PSC”) to one year terms,¹ the Co-Lead counsel and the PSC jointly request reappointment for all members and provide the following overview of work performed over the past year in support of that request.

As the Court knows, this year was uniquely challenging. Less than a week after Plaintiffs filed their Master Personal Injury and Class Action Complaints, San Francisco issued an emergency shelter in place order in response to the COVID-19 outbreak. In the days and months to come, many jurisdictions followed suit and our nation was plunged into a difficult period of transition. Against this backdrop, this PSC has proved itself a resilient, cooperative and effective team, solving novel problems and collaborating to develop Plaintiffs’ various claims.

While united in purpose, the PSC reflects diverse experiences, backgrounds and perspectives. Women (including many mothers with multiple children) comprise more than half of our team. LGBTQ persons and people of color feature prominently in committee leadership. Our PSC spans from Millennials to Baby Boomers, who have all now (almost) mastered Zoom. Within the larger team of individuals working on behalf of Plaintiffs, key players include persons with disabilities, Native Americans, and individuals from many different national origins, including Brazil, South Korea, India, and Iran. Consensus-building, not ego, drives this efficient team.

Under the direction of Co-Lead Counsel, this litigation has advanced efficiently on multiple fronts and remains on schedule for trials commencing in early 2022. PSC member firms have contributed significantly to this progress at every stage.

Sarah London of Lieff, Cabraser, Heimann and Bernstein LLP has served as the liaison to the Court, Court-Appointed Special Masters, Defendants’ counsel, Plaintiffs’ counsel, and leadership in Coordinated and Related Actions. As Co-Lead Counsel, she has negotiated nearly a dozen Case Management Orders, numerous stipulations among the parties, and agreements with

¹ The Court appointed Geoffrey Strommer as liaison Tribal Counsel to the PSC on August 21, 2020 (Dkt. No. 915). While he is not likely due for re-application, Co-Lead counsel note that he and his firm have contributed meaningful work product in advancing the tribal claims and working collaboratively with the PSC.

1 vendors, facilitated Co-Lead and PSC meetings to direct overall case strategy and ensure efficient
2 use of resources, and routinely provided updates to all Plaintiffs' counsel regarding key
3 milestones in the litigation. She and her team have played a leadership role in drafting the Master
4 Pleadings, opposing Motions to Dismiss (particularly as to Preemption), and in briefing numerous
5 case management and discovery disputes (including regarding whether Defendants must produce
6 the PMTA). Additionally, Ms. London and her team are substantially contributing to developing
7 subject matter experts, trial strategy, high-level document analysis, and deposition
8 preparation/coordination.

9 ***Ellen Relkin of Weitz & Luxenberg P.C.*** has served as Co-Lead Counsel. In addition to
10 her overall work in a supervisory capacity as Co-Lead and through interactions with Defendants'
11 counsel and the Special Masters, she has focused on: managing strategy for the personal injury
12 cases including bellwether structure/negotiation, briefing and selection, evaluation of which
13 Defendants to add in the complaints involved in marketing, distribution and e-liquid supply,
14 negotiations and coordination with the JCCP in coordination of common benefit work and
15 discovery protocols, and working with experts on injury claims. Her team at Weitz &
16 Luxenberg has played a role in high-level document review, amendment of the personal injury
17 complaint to bring in the newer defendants, and bellwether and expert committee functions and
18 medical literature reviews.

19 ***Dena Sharp of Girard Sharp LLP*** serves as Co-Lead Counsel. In close collaboration with
20 the other Co-Leads and the PSC, she and her team have played lead roles in drafting the
21 Consolidated Class Action Complaint, briefing and arguing motions to dismiss the class claims,
22 and managing and resolving discovery and case management disputes across the MDL. Ms. Sharp
23 and her team are working closely with members of the class committee and subject matter experts
24 to prepare the class claims for certification and trial, and are more broadly contributing to high-
25 level document analysis and deposition preparation.

26 ***Dean Kawamoto of Keller Rohrback LLP*** serves as Co-Lead Counsel. In this capacity he
27 has worked with the other Co-Lead counsel to supervise the litigation and direct the overall
28 litigation strategy, coordinate the activities of the different case groups, and interact with Defense

1 Counsel and the Special Master. In addition, Mr. Kawamoto and his team have focused on
2 managing strategy for the government entity cases, including drafting and amending the operative
3 government entity complaints, drafting the opposition briefs to defendants' motions to dismiss,
4 presenting argument on motion to dismiss, presenting government entity specific discovery
5 matters to Judge Corley, negotiating and litigating the government entity fact sheets, developing
6 the bellwether selection procedures for government entities, working with experts on the
7 government entity cases, and participated in drafting discovery directed against JLI and Altria as
8 well high level document review.

9 ***Rachel Abrams of Levin Simes Abrams LLP*** has contributed significantly in her
10 committee roles, developing expert witnesses for trial and selecting Plaintiffs' personal injury
11 bellwether cases. In addition, her team has helped research and brief complex issues of law,
12 educate PSC members in specific technical areas and vet potential bellwether cases.

13 ***Erin Dickinson of Crueger Dickinson LLC*** has contributed to the work of numerous case
14 committees including the expert committee, bellwether selection committee and trial committees.
15 In addition to her work developing trial strategy, Ms. Dickinson and her team have vetted dozens
16 of potential expert witnesses and bellwether cases, spearheaded meet and confer efforts with
17 Retailer and Distributer Defendants and analyzed thousands of documents to contribute to the
18 collective investigation.

19 ***Tom Cartmell of Wagstaff & Cartmell LLP*** has served as Plaintiffs' Government Entity
20 Liaison Counsel, maintaining a dialogue with representatives of state Attorney's General offices
21 and coordinating with lead counsel for government entities in the JCCP. As Co-Chair of the
22 Science & Experts Committee, took a lead role in identifying, vetting and working with expert
23 witnesses and consultants. In his other committee roles, Mr. Cartmell has contributed to trial
24 strategy, discovery and motion practice. In addition, his team has contributed the review of over
25 35,000 documents.

26 ***Michelle Drake of Berger Montague P.C.*** has served as Co-Chair of the Class
27 Committee, coordinating and performing all client-related work for over twenty proposed class
28 representatives. She has also lead discovery efforts related to social media while working on

1 expert selection and preparation in certain key areas. Additionally, her team has contributed the
2 review of over 75,000 documents.

3 ***Jonathan Gdanski of the Schlesinger Law Offices P.A.*** has contributed significantly in
4 his committee roles, developing expert witnesses, and selecting Plaintiffs' personal injury
5 bellwether cases. Mr. Gdanski has also spearheaded efforts at developing subject area expertise
6 among the litigation team, presenting to the PSC on all issues relating to tobacco litigation,
7 investor research, nicotine addiction and product defect. In addition, his team has contributed a
8 review of over 40,000 documents.

9 ***Adam Gutride of Gutride Safier LLP*** has served as Co-Chair of the Class Committee,
10 developing core class claims, identifying class representatives and assisting in briefing
11 Defendants' motions to dismiss. In addition to his class specific work, Mr. Gutride has been
12 instrumental in integrating the *Colgate* litigation infrastructure and substantive work into the
13 MDL, including furthering the development of expert evidence. Mr. Gutride and his team have
14 also contributed significantly to the review and analysis of documents and the drafting pleadings.

15 ***Bradley Honnold of Goza & Honnold LLC*** has served as the Co-Chair of the PSC
16 Discovery Committee, overseeing and providing critical organizational support in developing
17 plaintiffs' discovery infrastructure and processes. Mr. Honnold has worked on nearly every
18 aspect of fact discovery, from propounding requests to meet and confers to spearheading
19 deposition preparation, while coordinating with the JCCP leadership on discovery efforts. He has
20 also worked on trial preparation and overall strategy development.

21 ***Emily Jeffcott of Morgan and Morgan***, as Co-Chair of the Science & Expert Committee,
22 has been integral in the retention of expert witnesses and trial preparation, while significantly
23 assisting in motion practice and taking discovery. Ms. Jeffcott has also undertaken management
24 of document review across firms, with her own team reviewing over 200,000 documents and
25 coordinating ongoing educational presentations.

26 ***Kristine Kraft of Schlichter Bogard & Denton LLP***, as Co-Chair of the Personal Injury
27 Committee, has been essential to developing, finalizing and implementing Plaintiff Fact Sheets
28 ("PFS"), Defendant Fact Sheets ("DFS") and Personal Injury Short Form Complaints. She has

1 also helped spearhead Plaintiffs' bellwether selection process and contributed to drafting and
2 obtaining discovery. In addition, her team has reviewed over 40,000 documents and helped
3 prepare ongoing educational presentations.

4 ***Esfand Nafisi of Migliaccio & Rathod LLP*** has served as Co-Chair of the Expert
5 Committee, developing and implementing expert strategy including researching, interviewing,
6 and retaining dozens of experts. Mr. Nafisi played a lead role in developing Plaintiffs' RICO
7 claims, drafting related pleadings and briefing. He has also contributed extensively to Plaintiffs'
8 discovery efforts and worked extensively on bellwether selection.

9 ***Matthew Schultz of Levin Papantonio P.A.*** has served as Co-Chair of the Discovery
10 Committee, while also working on the Science/Expert Committee, Class Committee, and Trial
11 Committee. Mr. Schultz has been instrumental to discovery efforts, personally overseeing
12 document review and all written discovery in the case. He has also led the development and
13 preparation of subject matter experts for trial.

14 ***Sabita Soneji of Tycko & Zavareei LLP*** contributed substantially to the complaint
15 drafting process and took a leadership role in briefing Defendants' motions to dismiss Plaintiffs'
16 RICO claims, arguing for the Plaintiffs at the hearing. Her firm has also contributed substantially
17 to discovery efforts, reviewing over 22,000 documents, conducting meet and confers, and
18 assisting with vetting of experts.

19 ***Joseph VanZandt of Beasley Allen*** serves as Co-Chair of the Personal Injury/Plaintiff
20 Fact Sheet/Bellwether Selection Committees. Mr. VanZandt played a key role in negotiating and
21 implementing the PFS and DFS and serves as the liaison with BrownGreer related to the MDL-
22 Centrality database for each type of case in the litigation. Mr. VanZandt and his team also made
23 key contributions to Plaintiffs' oppositions to Defendants' motions to dismiss, taking the lead on
24 specific briefs and issues. Beasley Allen lawyers have also worked extensively in developing of
25 the case with the discovery committee, and have reviewed over 8,000 documents.

26 ***Mikal Watts of Watts Guerra LLP*** has worked on both the PSC Discovery and Trial
27 Committees. He has worked to design and implement a discovery strategy while his team has
28 contributed to reviewing documents and providing educational presentations. Mr. Watts has also

1 contributed significantly to trial strategy and preparation—vetting, coordinating, and integrating
2 consultant work.

3 ***Michael Weinkowitz of Levin Sedran & Berman LLP*** has served as Chair of the Law &
4 Briefing Committee. In that role he has overseen and worked directly on numerous briefs,
5 including oppositions to all of the motions to dismiss, and briefs regarding the conduct of
6 bellwether trials and related *Lexecon* issues. Mr. Weinkowitz made critical contributions to the
7 initial pleadings and pleading strategy. Additionally, Mr. Weinkowitz has served on the
8 discovery committee, taking the lead on a robust third-party discovery process that has included
9 issuing over 150 subpoenas to date.

10 In addition to the work of the PSC, Liaison Counsel ***Leslie LaMacchia of Pulaski***
11 ***Kherkher PLLC*** and ***Khaldoun Baghdadi of Walkup, Melodia, Kelly & Schoenberger*** have
12 contributed substantially to all aspects of coordination with the JCCP, including negotiating
13 CMO-5 and 5(a), the Coordination Order, appointment of a Common Benefit Special Master, the
14 Deposition Protocol, and Remote Deposition Protocol. They have fostered cooperation among
15 multiple jurisdictions on discovery, scheduling and cost-sharing, achieving tremendous
16 efficiencies for the PSC and overall benefit to Plaintiffs. In addition to their liaison roles, they
17 and their firms have contributed substantially to various committees, including vetting bellwether
18 candidates, developing trial strategy, and negotiating plaintiff fact sheets.

19 Across the board this year, the PSC members' work and contributions have been
20 excellent. The results and progress accomplished to date speak to these efforts. In any litigation
21 their work would merit renewal. But to execute with this level of effectiveness under the
22 extraordinary circumstances presented in this past year has been, in the view of Co-Lead Counsel,
23 nothing short of outstanding.

24 In light of the foregoing, Co-Lead Counsel and the PSC respectfully request that the Court
25 renew each member to an additional one year term.

1 Dated: December 21, 2020

Respectfully submitted,

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